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retired circles, and see the examples of affection, of sincerity, of stern conscientiousness, which abound there. We would then ask him to turn with us to the dark record, which contains the last four centuries of Italian history. We would show him on one side, a country parcelled out into petty states, some of them a prey to domestic oppression, some to the avidity of foreign dominion ; the spirit of liberty, and all that could contribute to its developement, cautiously suppressed ; local jealousies nourished, until that very division, which had once been among the greatest stimulants to the general development of mind, had been converted into one of the most powerful instruments for its oppression ; and, when he had considered well this state of things and weighed for himself its influence and its necessary consequences, we would withdraw the veil from the other side of the picture. He should there see art, literature, science, springing into life from the very bosom of death. He should see mind, circumscribed or cut off from one sphere of action, turning with irrepressible energy to another ; the brightest beams of science irradiating the darkness of a dungeon ; the boldest flights of poetry and of philosophy winged from a garret or from a cottage ; the fondest hopes of life, and life itself, offered up a willing sacrifice at the shrine of scientific truth or of historical sincerity ; and then would we close our volume, and leave the decision to his own conscience.

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ART. II. — *An Historical Memoir of the Colony of New Plymouth.* Vol. II. Parts II. III. IV. By FRANCIS BAYLIES. Boston : Hilliard, Gray, Little, & Wilkins. 1833. 8vo. pp. 286, 193, 170.

WE are happy to infer, from various signs, that a new interest is awakened in the study of the early history of these now United States. The brilliant events of the Revolution, and the exciting topics, which had their origin in the formation of a new government, subsequent to the establishment of independence, seemed for a number of years to absorb almost the whole of

public attention, and to cast a shadow over the equally important events, which led to the establishment of our institutions, and prepared the way for our national existence. In our admiration of our successful government, we hardly thought of going beyond the Revolution to discover its origin. We had almost forgotten what trials were endured, and sacrifices made, at an earlier day. Nor did we sufficiently remember how much we were indebted to those who were the pioneers of civilization in the western world, and who laid the foundation of free institutions upon the broad basis of learning and religion. The frequent publication of local histories, and the celebration of historical eras, which have taken place in all the chief towns of the north, within a few years, have given a new direction to public attention ; and we are now beginning to regard our whole history, from the settlement of the country to the present time, as but one chain of events, each and every link of which is equally important and equally necessary to the consummation of its grand design.

Among the local histories, which the prolific press has sent forth within a few years, there is none of greater interest than that of the colony of New Plymouth, by Mr. Baylies. The subject itself has the strongest claim upon attention, and the author has collected and arranged his materials with most praiseworthy research and good judgment. We owe to him the first entire history of the colony, which has been published. Other writers have given faithful and minute delineations of detached portions of the subject, but no one before Mr. Baylies has attempted to bring these detached portions together, and to present us with a full account of the fortunes of the colony during its whole existence. A work upon a theme so important, executed with such ability and care, deserves to be greeted as a valuable public service.

But our purpose is not to review the history of Mr. Baylies, so much as it is to give some account of the colony itself. It is the oldest of the New England colonies, and to its early success may be traced the origin of all the others. It is the place where civilization and Christianity were first introduced into New England. It has been the scene of many a trial, and of the fulfilment of many a high and holy resolve. It was here that government, based on the will of the governed, was first established on the American continent, and the great principle, that all should obey such laws as a majority of the

people should make, distinctly acknowledged. To this colony, we trace the first practical recognition of those political principles, which now form the basis of all the institutions of the United States. Independently of the remarkable circumstances under which the settlement was made, its history, after a government went into regular operation, and especially the history of its legislation, are entitled to more attention than we suppose them to have commonly received.

The history of this colony extends through a period of only seventy-one years ; namely, from 1620 to 1691, when it was united to Massachusetts, becoming a part of the Province of Massachusetts Bay.

Its territory, comprising most of the present counties of Plymouth, Barnstable, and Bristol, together with a small tract of land on its southerly side, now included within the limits of Rhode Island, contained about eleven hundred square miles, or about one seventh of the present territory of this Commonwealth. It is described in the charter to William Bradford and his associates, as bounded on the north by Cohasset river, on the south by the Narragansett river, on the east by the western ocean, and on the west by the utmost limits of the "Pahoninutt country."

During the existence of the colony, this territory was divided into three counties, whose names are still retained, and into twenty townships and districts, containing, as is supposed, at the union in 1691, a population of about nine thousand. The same territory is now divided into upwards of fifty townships, and contains a population of about one hundred and forty thousand.

The origin of this colony is too well known to require recapitulation. It is enough to say, that it owed its existence to persecution for religion's sake. As early as 1602, a number of persons in England, feeling themselves aggrieved, began to converse upon the subject of removing from that country ; but they took no measures for that purpose till 1610, when a small company of Puritans, with the distinguished Robinson for a pastor, settled at Leyden, in Holland. Here they were well received, and protected in the enjoyment of their religion. During their whole stay in that country, it appears they were on the most friendly terms with its inhabitants. But still they were not satisfied. They were

among a people, whose language they did not understand, and whose morals were far below the elevated standard which they had prescribed for themselves. Nor did they find there such means of education as they desired for their children ; but, on the other hand, had reason to fear that they would suffer from evil example, and that, by joining the Hollanders, either as soldiers or sailors, the identity of their little community would be lost, and its members be dispersed. They never had a cordial sympathy with the people of that country, but felt that they were strangers and sojourners, and that here was not their home. After about nine years' residence they began seriously to think of a second removal, but they knew not where to go. They still had attachments for England, but her partial and rigid laws would not protect them in the enjoyment of their rights. They desired to retain for their children their language as well as their religion, and for this reason they preferred a residence in a wilderness to an alliance of their fortunes with a foreign nation. It was at length determined to make America their place of refuge ; and, soon after, negotiations for settlement were entered into with the merchant adventurers, and with them a hard bargain for the Puritans was concluded.

Various accidents and difficulties detained them in Holland till July, 1620. They then commenced their adventurous voyage. They first sailed to Southampton in England, where they remained till the 5th of August. Soon after, one of their vessels becoming leaky, they put into Dartmouth to repair her. These repairs having proved insufficient, they were again compelled to put into Plymouth, where they were detained till the 6th of September. They then left, most of them for ever, their native country ; and, after a perilous voyage of about two months, made land at Cape Cod. It was about six weeks after this, before they made the first permanent settlement at Plymouth, on the 22d of December.

It is well known, that their original destination was near Hudson's river, and within the limits of the Virginia Company, with which they had made a contract for settlement, and that, by bribery (as is supposed), the master of the vessel was induced to land them on the barren shores of New Plymouth. On their arrival they found themselves without government, and without any constituted authority by which the

members of their little community could be restrained, and its affairs managed. They still acknowledged themselves subjects of the king of England, and knew they were within his dominions. Yet they were too insignificant, as well as too remote, to feel or fear his authority, or to expect any protection. They were literally free from all political restraints, and as favorably situated as any people ever were to begin the world anew, and to establish well such a government and institutions as were suited to their new condition.

From the peculiar character and situation of the Pilgrims, we might naturally expect a political organization different from any the world had before seen. No people had so fully appreciated the value of the rights of each member of the state ; none had felt so deeply the great cause of humanity, or entertained such cheering hopes of human improvement. They regarded the forms and institutions of society then existing in the old world as wholly unfit for the advancement of the true objects, for which society was formed, and civil governments instituted. They had fled from a government which they believed to be tyrannical, and it is not strange, that they should have used every precaution to resist, in their new situation, the evils from which they had escaped. The remark of Burke is as true of them as of their descendants, — that “ they judged of an evil in government, not by the pressure of the grievance, but by the badness of the principle. They augured misgovernment at a distance, and snuffed the approach of tyranny in every tainted breeze.” In their new situation they were free from all political restraints, and could make, in the establishment of their government and institutions, a practical recognition of those political principles upon which they believed the well-being and happiness of society rested. In this respect they had an advantage over most of the other American colonies, for which governments were formed previous to their settlement by means of charters from the King.

The government of the colony dates its origin from November 11th, 1620, when the Pilgrim fathers met in convention for the purpose of forming a social compact. This is the first meeting of the kind, of which the history of the world gives us any information ; and, if we may judge of the wisdom of its deliberations by their results, it has never been sur-

passed. The experience of more than two hundred years has hardly suggested any improvement in the principles discussed and adopted by this infant colony, congregated in the dark and crowded cabin of the *Mayflower*, as she lay at anchor by the shore of the new world.

After declaring themselves the loyal subjects of King James, and that their undertaking was for the advancement of the Christian faith, and for the honor of their king and country, they say, that “they solemnly and mutually, in presence of God and one another, consort and combine into a civil body politic, for their better ordering and preservation, and furtherance of the ends aforesaid ; and by virtue thereof do enact, constitute, and frame such equal laws, ordinances, acts, constitutions, and offices, from time to time, as shall be thought most convenient for the general good of the colony.” To this compact they all promised submission and obedience, thereby investing a majority with the whole political power, and recognising to its fullest extent the right of such a majority to govern. Unlike the constitutions of the United States and the several States, it made no division of political power, contained no checks, imposed no restraints upon the government, but left the whole to the rule and decision of a bare majority.. It did not even prescribe what officers should be chosen, or point out their duties and powers, but left the whole to be determined as circumstances should from time to time require. Of all the governments which ever existed, none has been more democratic than this, and perhaps none was ever better suited to the condition and wants of the people that established it.

During the whole existence of the colony, this form of polity was continued ; and though, at a subsequent period, there was some division of political power, and some restrictions were imposed upon the government, yet this was all done by mere acts of legislation, which could at any moment be annulled by the legislative power. This compact may properly be considered the only valid constitution which the colony ever had, and to it they clung with the greatest tenacity. Among themselves this was their strong bond of union, and, had they not had fears of the government at home, it would have been the only authority for legislation which they would have ever sought. But they were not then in a situation to

act with entire independence, and it became necessary to submit, at least nominally, to a higher authority, and to attain some assurance from that authority, that their rights should be protected.

On the 3d of November, and while the Pilgrims were coasting along Cape Cod, the King granted to the "Council at Plymouth in the County of Devon, for the planting, ruling, ordering, and governing of New England in America, all the American territory between 40 and 48 degrees of north latitude, and extending from the Atlantic to the Pacific ;" including, of course, all the territory comprised in the colony of New Plymouth. This company had authority to sell and convey any portion of their territory, and, before the surrender of their charter in 1635, did in fact dispose of several large tracts of land, conveying the same right to the soil, waters, and fisheries, which the company itself had. It was soon ascertained by the Plymouth colonists, that this company were claimants to all the territory occupied by them, and that they claimed it under the King, who was then admitted to have authority to dispose of a continent, to which he had no other claim than that some of his subjects, a century before, had sailed along its coasts. To avoid molestation, it therefore became necessary to purchase the rights of this company, which, after a long negotiation, was accomplished in 1629, when the charter from the Council at Plymouth was granted to William Bradford and his associates, of all the territory comprised within the colony of New Plymouth. This charter can be regarded in no other light than as a common deed of conveyance, giving them a right to the soil, but no authority to establish a new government, or to exercise jurisdiction over it. It was no more a charter of government than the hundred conveyances from the natives, and so the colonists always considered it, — for they spared no efforts to obtain the sanction of the King to it ; being aware that, without this, they had no assurance that he would do them the favor to let them alone. These efforts, however, were unavailing. The King never gave his sanction ; and, from the beginning of the colony to its end, its government can properly be considered as resting on no other basis than the will of the colonists themselves. For this reason we see, that in every period of their history, they exhibited a constant solicitude, not only as to the validity of their government, but as to the extent of the



powers, which they might exercise under it. It was early a grave question, whether they could inflict capital punishment in case of murder, and regarded as of so much importance that they sought the advice of the governor of Massachusetts upon it. He told them they had such authority, not on the ground, however, of any chartered rights, but "that the land should be purged from blood." The result proved, that this charter was regarded with the same respect as the other New England charters, and with them it suffered a common ruin under the arbitrary reign of James the Second.

For the first sixteen years we have but a meagre account of the legislation of the colony. During this period, the population was small, and probably at no time exceeded four hundred. And though such a community would require many rules and regulations to preserve its harmony, and secure to each member his rights, yet, since such rules and regulations were adopted in general assembly, they were known to all, and were commonly of so temporary a character, that they were scarcely thought worthy of committing to public record. The colonists during this period hardly considered themselves as permanently settled. They were looking for a more propitious soil, and at one time came nigh leaving their frail and temporary habitations at Plymouth, and removing to the fertile valley of the Connecticut. Besides, they lived rather as a social than a political community, bound together as one family, by common interests and objects, and enduring common sufferings and privations. And it is not strange that, under such circumstances, they should have left us a record of so few of their public acts. Our surprise should rather be, that so many of them have come down to us, affording us, at the end of two centuries, the best evidence both of the purity and wisdom of their framers.

The records of the colony begin in 1623, and there is still standing at their head a law providing, "that all criminall acts, and also all matters of trespasses and debts betweene man and man, should be tried by the verdict of twelve honest men, to be impannelled by authority in forme of a jury upon their oath." The other laws, adopted during this period, relate principally to the estates of deceased persons, the division of lands, the defence of the colony, and the security of its trade and fisheries. In 1627, it was enacted, that no dwelling-

house should be covered with any kind of thatch, as straw, reeds, &c. The immediate occasion of this act was a destructive fire, which the colony had just suffered, by reason of their buildings having been covered with such combustible materials.

In 1636, a new era occurred in its legislation. The colony had increased considerably in population, which was spread over a portion of the territory of Plymouth, Duxbury, and Scituate. The system which answered their purpose while all lived in sight of the Plymouth Rock, or within the hearing of the voice of their valiant chieftain, was no longer suited to their condition. They had long waited, but in vain, for a confirmation of their charter by the King. They now found it necessary to create new officers, define their powers, establish fixed laws, and declare more fully the authority under which they acted. For this purpose a General Court was called in October, at which a committee of fourteen persons was appointed, with full authority to revise the laws, and to report their proceedings to the next General Court. The duties of this committee were performed with great despatch; for within five weeks a new code was prepared, reported, and adopted. It does not appear to have created much discussion, nor have we any evidence that it met with serious opposition; for it appears by the records to have been all adopted in a single day, and perhaps in a single hour.

This code first gave form to the government of the colony, and invested it with its most distinctive features. Its preamble recites the authority of the colonists to make laws, and declares, that, as freeborn subjects of England, they were possessed of all the rights of Englishmen; and that, as such, no law, imposition, or ordinance should be made or imposed on them but by their consent; the very doctrine maintained by their descendants a century and a half afterward, in the declaration of American independence. It further provided, that an election should be held on the first Tuesday of March annually, at which all their officers should be chosen, namely, a Governor, seven Assistants, a Clerk, Treasurer, Coroner, Messenger, and Constables.

The duties and powers of these officers were to a considerable extent defined. The Governor had authority to summon and dissolve the General Court, and was made a conser-

vator of the public peace ; but in other respects he had little more authority than any of the other magistrates, except that he could cast a double vote in the General Court. The Assistants composed his Council, and both together were invested with extensive judicial powers. An oath of office was prescribed for each of the public officers, as well as for the freemen, by which it appears, that they were all required to swear allegiance, not only to the king of England, but to the government of the colony of New Plymouth. The Messenger was the chief executive officer of the General Court, and performed duties very similar to those of a sheriff at the present day. His name was retained till within three or four years by an officer of the General Court of Massachusetts, who still possesses some of his powers, and performs most of his duties, but is now known by the foreign name of *sergeant-at-arms*.

All the freemen in General Court took part in enacting the laws, till 1639, and it was regarded by them not as a privilege merely, which they might exercise or not as they pleased, but as a duty which, under a penalty, they bound themselves to exercise. It was enacted, that a person who did not attend the Court should be subject to a penalty of ten shillings sterling. The privilege of suffrage was regarded by them, as it always will be by all men who value free institutions, as one that should never be neglected, and in which the public, as well as the individual, have an interest. This system was continued till the population had become so extended that it became extremely burdensome to such of the freemen as lived in Duxbury and Scituate. To remedy the evils arising from this cause, the General Court in September, 1638, enacted, that each town in the colony, except Plymouth, should choose two persons, and Plymouth four, who, with the Governor and Assistants, should "make all good and wholesome laws as would be for the benefit of the colony," provided, that all the laws so made should be proposed at one General Court, and remain to be considered at the next. It was also further provided, that, if any law so enacted should be found prejudicial, all the freemen assembled at the court of election might repeal it. These deputies were at first called Committees, and were paid by the towns that sent them. And, since all the inhabitants were bound to bear a portion of

the expense, it was provided, that not only freemen, but all the inhabitants, who had taken the oath of fidelity and were heads of families, should have a voice in their election. This was the beginning of the representative system of the colony, and from this time to its union with Massachusetts most of the laws were made by the Governor, Assistants, and Deputies, composing a single body ; though at all times the freemen claimed, and not unfrequently exercised, the right of assembling, and enacting or repealing laws for themselves. The election of Deputies was regarded as a matter of convenience, and not as precluding them from the rights of legislating for themselves. In all cases of great importance, where the representatives did not wish to take the responsibility, the freemen were called together, or their wishes were otherwise ascertained. The representatives were strictly the servants of the people, and their whole power could be taken from them, even while they remained in office.

In 1646, a law was made fixing the time of meeting of the General Court, which shows, that a great change in the business habits of our legislators, as in every thing else, has taken place since the days of the Pilgrim fathers. By this law, that body was required to meet in the summer at seven o'clock in the morning, and in the winter at eight o'clock ; and to remain in session till half past eleven ; when an adjournment took place for dinner. After dinner they were required to hold another session, till such hour in the evening as the Governor thought proper. And, in order to ensure punctuality and constant attendance, each member was liable to a fine of a sixpence for tardiness, and also for each hour's absence during the session.

Before 1658, no measures were adopted for the publication of the laws. They were kept by the Secretary, who had but a single copy, and who kept them, not in a volume by themselves, but in connexion with all the other records he was required to make. In the same manuscript volume we find the general laws, the judicial proceedings of the court of Assistants, the records of deeds, wills, births, marriages, deaths, coroners' inquests, and accounts of special providences ; — all mixed together, and all apparently regarded as of equal importance. On one page we find the treaty with Massasoit ; on another, an inventory of the valuable library of Elder Brew-

ster ; while on a third appears an account of the belligerent proceedings of the colony against the Dutch. Then comes the record of a general law requiring every householder to keep a ladder, which would reach to the top of his house, or providing that every town shall have a cage for the accommodation of offenders. In this way, the records had grown to be so voluminous, that it became necessary to adopt some new measures to determine what laws were actually in force. This difficulty was still further increased by the process of repealing and amending laws then in use ; which was to erase or expunge, and this was generally done much more thoroughly than by the drawing of black lines around the obnoxious law. During the first twenty or thirty years most of the laws were repealed and amended in this manner, and oftentimes without giving the date when the expunging process took place. The oaths of office underwent this process, — first, by erasing the words of allegiance to king Charles and his successor, and interlining “ the government of England as it now stands,” and afterwards by having the interlineation erased, and the original phraseology restored.

At a General Court held in 1658, a committee was appointed “ to peruse the laws, and reduce them to better order.” They made a selection from the whole body of laws, suggested such amendments as they thought proper, and arranged them in alphabetical order, in one manuscript volume. This volume was then submitted to the General Court and formally enacted. At the same time the General Court published an address to the people, explaining their views in the enactment of laws. In this they say, “ We have had an eye primarily and principally unto the Jewish platform, and unto the right improvement of the liberties granted unto us by our superiors, the state of England at the first beginning of this infant plantation, which was to enact such laws as should most befit a state in the nonage thereof, not rejecting, or omitting to observe, such of the laws of our native country, as would conduce unto the good and growth of so weak a beginning as ours in this wilderness.” The Secretary was directed to prepare a manuscript volume of these laws for each of the towns in the colony, in whose meetings they were to be read at least once a year. The towns were required to furnish the Secretary with paper, and, in case of their neglect, he was

authorized to purchase it on their account. Nathaniel Morton was then Secretary, and he discharged his duty with great care and fidelity. It is believed that some of his copies of the laws are still extant. There was one, which belonged to the town of Taunton in a good state of preservation, but which was unfortunately destroyed with most of the records of the town in the great fire, which occurred in that place two years ago.

No other revision of the laws took place till 1671, when a digest of them was prepared and enacted, and then they were for the first time printed. At the same time the colonies of Massachusetts and Connecticut digested their laws, and also had them printed. In all improvements of this kind, the New England colonies went together. Their legislation was nearly the same, embracing in substance the same principles, and securing the same rights ; and it is not unusual to find the same law, nearly word for word, adopted in all the colonies at about the same time. Another revision was made in 1685, and they were again printed. No other edition of the Plymouth Colony laws was published till 1836, when they were again printed by order of the Legislature of Massachusetts as matters of early history, important to be preserved.

The judicial system of the colony was simple and efficient. They adopted so much of the common law of England as was suited to their new condition, taking full liberty to amend or change it as they saw fit. Trial by jury was adopted, as has been seen, in 1623. Before this, all trials were had before the assembled colony, and the accused was acquitted or convicted by the popular voice. Leister and Doty, the first duellists in New England, were convicted by this public tribunal ; and the penalty inflicted by tying together the culprits hand and foot, and keeping them for a reasonable time in a state of fasting, shows that it possessed a good share of wisdom, and was guided by a proper sense of justice. For a number of years, the General Court exercised a large portion of the judicial powers, and, during the whole existence of the colony, never entirely divested itself of them. This, in fact, was the supreme judicial tribunal. Next to it was the court of assistants, which in process of time became the principal judicial tribunal. In 1685, county courts were established, having original jurisdiction in most of the cases before determined by the court of Assistants, except in those of a

capital nature. All smaller matters were determined by a single magistrate, or by the selectmen of towns, who were invested with judicial authority for that purpose.

How far our ancestors adopted the common law of England, has often been made a question, and is still a matter of dispute. In the colony of New Plymouth there is abundant evidence, that they had the strongest attachment to it, and intended to adopt it so far as it suited their new condition. It is true, that they incorporated into their system much of the Jewish code ; but it was that portion, chiefly, which related to crimes and punishments. Their civil rights as members of the community, so far as related to the tenure and transfer of property, and the remedial processes for the protection and recovery of rights, were all based on the common law of England. This they claimed as their birthright, and they always regarded it as the wisest means of protection. The colonists were not lawyers, nor were they much skilled in the science and technicalities of the law ; yet they knew enough of its general principles, and of the free spirit which it breathed, properly to estimate its value. It is not strange, that persons thus situated should have made great encroachments upon the system of jurisprudence adopted in the mother country. Our surprise should rather be, that they were able to follow it so closely, and to retain every thing in it that was valuable. Without skill and learning in the law, and without a distinct class of men devoted to its practice and determination, it became necessary, and in that state of society perfectly proper, that every process should be simple, and that every case should be decided by such considerations of equity as should be applicable to it, rather than by those general principles, which become necessary in a more complicated state of society. The informal proceedings, which they so frequently adopted, did not affect the great principles which they maintained, but only the manner of carrying those principles into effect. An indictment for the highest crime might be contained in a single line ; yet even this could not be found without the assent of the general inquest, and the accused still had a right of trial by jury.

The general good of the colony formed the great rule of action adopted by the General Court. In one sense, it was, like the Parliament of England, omnipotent. From the be-

ginning it exercised a constant supervision, not only over the business and employments of the people, but over their habits and morals. In 1626, the exportation of corn, beans, and peas, was prohibited, and the employment of mechanics regulated. In 1636, the Governor and Assistants were authorized to punish the drunkard at their own discretion, and, from that time to the union with Massachusetts, exercised the power of punishing all persons who drew "strong waters" without a license. In 1635, it was enacted, that none should become housekeepers, or build cottages, without the consent of the Governor and Assistants. The same authority was afterwards granted to selectmen of towns, who were by no means remiss in its exercise. They were further empowered, in 1669, to forbid any person to live by himself, or to board in a family which they did not approve. In 1638, laborers' wages were fixed at twelve pence per day with board, and eighteen pence per day without it. In 1639, every householder was required to sow at least one square rod of hemp or flax each year ; and in 1669, the constables were ordered to look after all persons who slept in church, and report their names to the General Court. And so we might enumerate a hundred other laws, which restrained or directly affected the industry and habits of the people. To us many of these laws appear very absurd ; yet we should recollect, that they were designed to meet the wants of the people at that time, and, so long as they did so, we have no right to say they were not salutary. To them the rights of the individual were nothing compared with the general good of the colony, which they supposed could best be promoted by bringing all to the standard which a majority prescribed.

In its criminal law, the colony was comparatively mild and humane. This may be regarded as its general character, though some crimes were punished with an undue degree of severity. All punishments were left to the discretion of the court till 1636. The capital crimes at this time were only eight. The number was afterwards increased, and in 1671 there were sixteen ; of which one was witchcraft, or, as expressed by the act, "the solemn consortion or conversing with the Divell by the way of witchcraft, conjuration, or the like" ; another, blasphemy ; and a third, cursing or smiting father or mother. The last offence was justifiable, if the



child could show that his education had been neglected, or that he had been improperly provoked ; and, to the honor of the colony, no execution for witchcraft ever took place within its limits. Most of the smaller offences were punished by fine, setting in the stocks, imprisonment in the town cage or colony prison, or by whipping and branding. The burglar was branded for his first offence with the letter B on his right hand, and, for his second, with the same letter on his left. If the offence was committed on Sunday, the brand was set on the forehead. Other offences were punished by requiring the culprit to wear for a limited time large letters upon his clothing, signifying the crime he had committed. In all of these punishments, the court possessed a large discretionary power, which was exercised according to the nature and character of the offence.

The legislation of the colony bears traces of increasing hostility to the use of tobacco, and of the ineffectual attempts to suppress it. As early as 1641, its importation for home consumption was prohibited. Three years earlier, the General Court declared, that, “whereas there is great abuse in taking tobacco in a very uncivil manner, openly in the town streets, and as men pass upon the highways, to the great reproach of government, it is enacted, if any one is found or seen taking tobacco in the streets, or in any building or field within a mile of a dwelling-house, he shall be fined twelve pence. And, if he be a boy or a servant, without money to pay his fine, he shall be put in the stocks or whipped.” In 1650, it was provided, that every juror, who used tobacco, should be fined five shillings. In 1669, it was enacted, “that every person found smoking in the streets on the Lord’s day, going to or returning from meeting within two miles of the meetinghouse, should be fined twelve pence.” All of these provisions of law, without any material alterations, remained in force till the end of the colony ; and probably had no other effect than to make the smokers and chewers of tobacco a little more cautious, and at the same time to increase their attachment for their favorite but persecuted weed.

The great reluctance of the people of the colony to the holding of public offices forms one of their most striking peculiarities. Among them there were no office-seekers, — no lovers of the spoils. They had other and different views in

taking the high and responsible offices of government. For a long time this reluctance was so strong, that it became necessary to compel men under a penalty to accept the highest and most honorable offices in the colony. In 1632, it was enacted, that, if "any one were elected to the office of Governor, and would not stand to the election, nor hold his office for one year, he should be assessed £ 20 sterling," with a proviso, that no one should be required to serve two years in succession. It was also enacted, "that if a person was elected Assistant, he should be liable to a fine of £ 10 sterling, if he did not stand to the election." In 1637, Thomas Prince was elected Governor. He was then resident at Duxbury, and a law of the colony required the Governor to reside at Plymouth. At first he declined the office ; but, after much solicitation, he agreed to accept it on two conditions ; namely, that Governor Bradford, who was then in office, should continue to discharge its duties, till he was ready to assume them, and that he might be permitted to reside at Duxbury. These conditions were acceded to by the General Court, and at the same time it was enacted, that the old officers should continue in office till Governor Prince was ready to discharge the duties of his office, and that they should act under their former oaths.

The colony made no provision for the support of the clergy till 1655. Previously to this, the strong and almost universal attachment of the colonists to their religious institutions insured for their clergy an adequate support. But, in process of time, a party grew up which was opposed to the present faith and the established church discipline. It was about this time that the Quakers began to make their appearance, and to sow strife and contention, not only in the church, but in the commonwealth. Opposition to the clergy became more open, and a neglect to make the proper contributions more apparent. At length it became necessary for the General Court to give their attention to it. They appear to have approached the subject with great caution, and to have hesitated to adopt at once a compulsory process. They said, "If there appears to be a real defect in the hearers of the ministers complaining, the magistrate shall use all gentle means to persuade them to do their duty. And, if any one of them shall not thereby be reclaimed, but shall persist through plain

obstinacy against the ordinance of God, then it shall be in the power of the magistrates to use such means as may put them upon their duty." This provision of law was found insufficient. Two years afterward, the General Court, having declared that all were bound to aid in the support of the ministry, and that there was great neglect in this respect, enjoined that each town should choose four men to assess the inhabitants according to their several estates, leaving it to the ministers to collect these assessments, if they could. Some paid them, others refused; and, since there was no legal means of enforcing payment, the law soon became a dead letter, and the whole matter was actually left where it was before, — to voluntary contributions. In 1662, a resolve was passed recommending it to the several towns in the colony to appropriate a portion of the proceeds of all whales cast on shore, for the support of the ministry, which at that time was the source of a considerable income, it being, if we can judge from the constant legislation upon the subject, of very frequent occurrence. In 1669, the General Court took measures to enforce the payment of taxes for the support of public worship, authorizing any magistrate or selectman to compel any delinquent to pay double the amount of his tax. Still the collection of the taxes was left to the clergy. But the system soon became so odious, that, in the following year, the General Court, after declaring that its tendency was to create prejudice against the clergy, provided that each town should choose two collectors of these taxes, and pay the same to the ministers. They further declared their intention to support public worship in all the towns in the colony, and their right to impose any tax for that purpose; and, as a practical illustration of that right, it was enacted, that fifteen pounds should be raised in the town of Dartmouth. No material change was made in the laws for the support of public worship after this time till the union. They still remain as evidence, not only of the great solicitude of a large majority of the colonists to support public worship, but of the indifference in relation to it, which then existed among another portion of the people.

No measures were adopted for the support of public schools till 1663, and then the subject was merely recommended to the towns for their consideration. In 1674, the profits of the

fishery at Cape Cod were appropriated to that purpose ; and it appears from the act, that it was for the support of a single school at Plymouth, which was attended by only eight or ten scholars. The first act, requiring all the inhabitants to support public schools by a tax, was passed in 1677, when every town having fifty families was required to raise at least £ 12 per annum for the support of a grammar school. About ten years after, when the colony was divided into counties, each county town was required to support a Latin school, in which young men could be fitted for college. It must not, however, be supposed, from these small efforts of the General Court in the support of public schools, that they were indifferent to this subject. Education was an object ever dear to the Puritans, and they were always solicitous that the whole people should enjoy its benefits. That they neglected so long to make legal provision for the support of schools, is no proof of indifference ; it rather shows, that such a provision was not then necessary. The colonists were poor, and were all about equally poor ; yet there is abundant evidence of the deep solicitude they felt, and the great exertions they made, to give all their children the benefits of such an education as could then be had. Nor were their efforts confined to that colony alone. On the contrary, when applied to by President Dunster, of Harvard College, to do something for that institution, then in its infancy, and borne down with poverty, they, like all the rest of New England, generously contributed from their scanty means. It is true, their contributions were small, oftentimes consisting of nothing more than a peck or half peck of corn or beans. Yet this was all they had to give.

Like the other New England colonies, Plymouth was compelled to submit to the arbitrary rule of Sir Edmund Andros, in 1686 ; and, during the three succeeding years, she, like them, suffered one continued series of wrongs. Her General Court was abolished ; town meetings were forbidden ; land titles were disputed ; taxes illegally and arbitrarily imposed ; her citizens imprisoned without cause ; and, in short, every thing was done, which would characterize a tyrant. It was to them a period of darkness and trial, and for a time it seemed that every thing most valued was lost. But the day of retribution and of deliverance soon came ; and the people here, imme-

diately on hearing of the revolution in England, like their neighbours in Massachusetts, threw off the Governor's authority ; resumed their former government, recalled their old officers, and declared their allegiance to the Protestant sovereigns of England.

After this revolution, new efforts were made by this, as well as by several other American colonies, to procure a charter. They were strongly attached to their old government, and desired a distinct colonial existence. They were aware, that efforts were making to annex them to some other colony, than which they imagined no greater calamity. It became necessary, in order to prevent this, to adopt the most vigorous measures ; and, accordingly, Sir Henry Ashurst, the Reverend Ichabod Wiswell of Duxbury, and the Reverend Increase Mather of Boston, were appointed agents in behalf of the colony, to obtain a charter. Mather was then in England, having escaped from Boston in the night, during the administration of Andros, for the purpose of laying the complaints of the Massachusetts colony before the King. He was known to have influence at court, and it was supposed that he might exert this for the benefit of the colony. Of his influence there is no doubt ; but the results of the negotiation led to the suspicion, that he regarded the interests of Massachusetts rather than of Plymouth. Such was the opinion of Wiswell, who, in a letter to Governor Hinckley, speaks in no very complimentary terms of this distinguished negotiator. He says, " All the frame of heaven moves on one axis, and the whole of New England's interest seems designed to be loaden on one bottom, and her particular motions to concentrate to the Massachusetts tropic. You know who were wont to trot after the *bay* horse. Your distance is your advantage, by which you may observe their motions. I do believe, that Plymouth's silence, Hampshire's neglect, and the rashness and impudence of one, at least, who fled from New England in disguise by night, hath not a little contributed to our general disappointment." Mather, however, always pretended to have acted in good faith, and claimed the honor of having Plymouth annexed to Massachusetts instead of New York, in whose charter it was, at first, included. A separate colonial existence could not then have been obtained ; and, since a union with some other colony was necessary, there is no

doubt that such a union with Massachusetts would best promote the interests of the people of Plymouth, and was in accordance with their wishes. There is no evidence of the bad faith of Mather ; and the letter of his associate was probably written under feelings of extreme disappointment. The union, at first, was bitter to the people of Plymouth. They felt, that they had lost their distinctive political character, and that, as the immediate descendants of the Pilgrims, their rights had not been sufficiently respected. These feelings did not entirely subside for a number of years ; but at length a common origin and common interest made the people of the two colonies one in feeling, as they were one in their political organization ; and they now claim protection from the same free constitution of the Commonwealth, and feel a common pride and satisfaction in the heroic deeds, liberal views, and generous philanthropy of their fathers.

There was a distinction between the early settlers of the two colonies. Those of Plymouth were almost entirely English ; and there is probably no portion of North America, which has at the present day a population of so purely English descent as that. They, however, had not the wealth, rank, or learning of many of the early settlers of Massachusetts. They were men of strong minds, and made a proper estimate of the value of their political and religious principles. They placed but little value on wealth or rank. They acted from higher motives than these afford, and regarded the promotion of the good and happiness of the whole as the great object of government. They had, however, among them some men of preëminent talents and character. As a civil magistrate, Bradford, the father of the colony, (for Carver, who, chosen to set his name first to the charter, must be taken for "the noblest Roman of them all," died the first winter,) and for twenty-one years its governor, would, by his sound good sense and elevated patriotism, have done honor to any age. To his wisdom and discretion the colony owed much of its prosperity, and undoubtedly its prolonged political existence. Of the services of Brewster, we can hardly make too high an estimate. For twenty-four years he was the spiritual father and guide of the colony. He came with the Pilgrims, and with them he was willing to endure and suffer. Of the intrepid and courageous Standish, the leader in all military

enterprises, whether against the Indians, the followers of Morton at Merry Mount, or their Dutch neighbours, it was as true as of the Trojan, that success was never to be despaired of, when he led the way. So the Winslows, Allerton, Alden, Hatherly, Prince, and Hinckley were all good men and true, who, in all their efforts and sacrifices, had no other object in view than their country's good, and the progress of truth and righteousness.

This colony was small and its duration short ; but its influence on the character and condition of this people, and ultimately of the human race, was destined to be most important. Never was there a more successful experiment of popular government, combining all the strength and vigor of a monarchy with all the freedom and security of a republic. During the whole seventy-one years of the colony's existence, there were but six governors ; and two of these were in office during thirty-nine years of this period, — a period, too, not of repose and quiet, but of peril and excitement. In their intercourse with the Indians, the people of the colony present a bright example of humanity, and the same sense of justice is here witnessed, that pervaded all their public and private acts. Not a foot of the soil was taken from the natives without their consent, nor without the payment of an equivalent. The treaty with Massasoit for a half century was most scrupulously observed ; and it was not their fault, or the fault of that faithful sachem, but of his treacherous son, that it was at last violated. In their conduct towards the Quakers they were comparatively mild and humane, preferring to let their errors be promulgated, and die unobserved, rather than make them martyrs by the prison or the gallows. Their loyalty was firm, yet it was a loyalty to their own government and principles rather than to any foreign power. It was a love of liberty, and an adherence to the rights of Englishmen.

None of the passengers of the *Mayflower* survived the colony. Most of them died within thirty or thirty-five years after their arrival. The last survivor was John Alden, who lived till 1686.